



New Law Affecting Student Eligibility to Pay In-State Tuition at Public Colleges and Universities

The following information is being provided to Washington state high school counselors by Higher Education Coordinating Board staff so that the counselors may inform students at their schools of a new law. This law makes some students eligible to pay in-state college tuition who, in the past, would have had to pay the higher out-of-state tuition rate.

Introduction

During the 2003 Legislative Session, a bill (EHB 1079) was passed into law that affects student eligibility to pay in-state tuition at public colleges and universities. The new law took effect on **July 1, 2003**. It offers residency status for tuition purposes to students who have:

- Resided in Washington state for the three years immediately prior to receiving a high school diploma, and completed the full senior year at a Washington high school;

or

- Received the equivalent of a high school diploma and lived in Washington state for the three years immediately before receiving the equivalent of the diploma;

and

- Continuously resided in Washington since earning the high school diploma or its equivalent.

Students who meet these criteria must also provide an affidavit (attached) to the institution indicating that they will file an application to become a permanent resident at the earliest opportunity they are eligible to do so, and indicating a willingness to engage in other activities necessary to acquire citizenship, such as citizenship or civics review courses.

Implementation

So far, the following actions have been taken to implement the new law:

- 1) In late June, an affidavit (attached) was developed to meet the requirements of the law. It is intended to explain the requirements of the law and include the certification required in the law. The same affidavit is being used by both two-year and four-year colleges. The two-year colleges have since incorporated information about the new criteria for eligibility directly into their online admissions applications.

- 2) The affidavit was distributed to registrars and deans at community colleges on June 27, 2003, along with an e-mail (attached) from Tom Woodnutt of the State Board for Community and Technical Colleges (SBCTC), which provides answers to questions regarding further implementation details. The e-mail and affidavit have also been distributed to registrars and admissions officers at the four-year universities. Please note that the e-mail stresses the primary concern of legislators and staff to protect student confidentiality and privacy.
- 3) Cynthia Flynn (Council of Presidents), Nina Oman (HECB), and Tom Woodnutt (SBCTC) presented an overview of the law, and answered related questions, at a meeting of two-year and four-year college and university residency officers at the University of Washington Bothell Campus on July 28. The presenters stressed that implementation be approached in a sensitive manner, and that students who meet the specified criteria be handled the same as any other student.
- 4) The Higher Education Coordinating Board is responsible for adopting rules related to student residency. The language contained in the new law, along with other statutory changes, will be incorporated into the Washington Administrative Code in accordance with the normal rules process that requires publication of notice in the State Register and a public hearing. A public hearing was held on September 12, 2003, at 1:00 p.m. in Olympia (Senate Hearing Room 3, John A. Cherberg Building, Capitol Campus). HECB members are expected to approve a final version of rules language at their meeting scheduled for September 24 in Pullman.
- 5) The high school counselor tour scheduled for this fall, involving approximately one thousand counselors who work throughout the state of Washington, includes overviews of the legislation.

Questions and Answers Regarding Implementation at Two-Year and Four-Year Colleges

Q: What type of documentation is required from students who sign the affidavit?

A: Documentation required for students signing the affidavit should be handled the same as it is for any other student. A student signature on the affidavit itself can be considered documentation enough to prove residency status, unless the affidavit conflicts with other information provided by the student, in which case the student can legitimately be asked to provide further documentation.

Q: How long should the affidavit be retained?

A: The affidavit should be retained according to the state retention requirements. If a college normally processes residency documents as admissions documents, the retention rules for admissions documents will apply. Otherwise, the affidavit should be handled as a residency document and retained accordingly.

Q: How should the affidavit be distributed?

A: The affidavit should be made available to all applicants, but there will be some transition difficulties for schools that processed admissions applications prior to July 1. In those cases, institutions will do their best to send the affidavit to students who have already applied for admissions or who are enrolled but have not indicated their country of citizenship on the admissions application or who have stated that it is “unknown”.

Q: How should students qualifying under the new criteria be tracked or counted?

A: There is no tracking necessary for students signing the affidavit. Only a count of affidavits received will be maintained at this time and for the foreseeable future. The students should be coded as residents paying the resident rate.

Future Implementation Efforts

Future efforts are being planned to distribute and process information related to the new law:

- Four-year schools are planning to make the affidavit and associated information available online, and to incorporate information about the new criteria for eligibility directly into online admissions applications.
- GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs), a partnership of the Higher Education Coordinating Board, the Office of the Governor, and the University of Washington, is a program that encourages disadvantaged middle and high school students to stay in school, study hard, have high expectations, and go to college. The administrator of the GEAR UP program has agreed to communicate the opportunities offered by the new law to students whenever possible.

Washington Higher Education Residency Affidavit/Declaration/Certification

Effective July 1, 2003, Washington state law changed the definition of "resident student." The law makes certain students, who are not permanent residents or citizens of the United States, eligible for resident student status – and eligible to pay resident tuition rates – when they attend public colleges and universities in this state. The law does not make these students eligible to receive need-based state or federal financial aid. To qualify for resident status, students must complete this affidavit/declaration/certification if they are not permanent residents or citizens of the United States but have met the following conditions:

Resided in Washington State for the three (3) years immediately prior to receiving a high school diploma, and completed the full senior year at a Washington high school,

or

Completed the equivalent of a high school diploma and resided in Washington State for the three (3) years immediately before receiving the equivalent of the diploma,

and

Continuously resided in the State since earning the high school diploma or its equivalent.

Print full name

Date of birth (*mo/day/yr*)

Student Identification Number (*if available*)

Relationship to the college or university: ☐ Applicant ☐ Current Student

Name of high school: _____

I certify that:

I will file an application to become a permanent resident of the United States as soon as I am eligible to apply. I am also willing to engage in activities designed to prepare me for citizenship, including citizenship and civics review courses.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature

Date

Place (city, state)

To the student: Please submit the original copy of this completed affidavit to the admissions office of the college or university to which you are applying. Faxed or e-mailed forms, or forms without an original signature, are not acceptable.